

JUDGE BARS BOOK BY EX-C.I.A. AGENT

Temporary Order Is Granted to Justice Department

By DAVID E. ROSENBAUM
Special to The New York Times

WASHINGTON, April 18—A Federal judge, acting at the behest of the Justice Department, today issued a temporary restraining order to prevent the publication of a book or articles by a former agent of the Central Intelligence Agency.

The former agent is Victor L. Marchetti, who left the C.I.A. in 1969 after 14 years and then wrote a novel about the agency called "The Rope Dancer," which was published last fall.

The restraining order was issued by Judge Albert V. Bryan Jr. of the Federal District Court for the Eastern District of Virginia. It prohibits any publication by Mr. Marchetti until a hearing can be held on the Government's request for a permanent restraining order. The hearing is scheduled for April 28. Mr. Marchetti lives in Vienna, Va., a suburb of Washington.

Mr. Marchetti said today that he had a contract with Alfred A. Knopf, Inc., to write a non-fiction book about the agency but that he had not begun to write it. His literary representative, David Obst, said that Mr. Marchetti had also written an article about the agency for Esquire magazine but that the article was withdrawn before publication.

A.C.L.U. Backs Author

Ralph J. Temple, legal director of the Washington office of the American Civil Liberties Union, said tonight that the A.C.L.U. would represent Mr. Marchetti.

Mr. Temple said that today's order represented "the first time the Government has gotten a restraining order against original written materials."

He said that this case was different from that of the Pentagon papers. In that case, he said, the Government was trying to prevent the publication of classified Government documents rather than of publication of an original work.

In its complaint, the Government noted that Mr. Marchetti had arranged to write a book about the agency. It declared:

"There is substantial likelihood that this book will divulge currently classified information relating to intelligence sources and methods, the disclosure of which would violate the terms and conditions of the defendant's secrecy agreement and result in grave and irreparable injury to the interests of the United States."

When a person joins the Central Intelligence Agency he is required to sign a "secrecy agreement" asserting that he will never divulge classified information, even after he leaves the agency.

Mr. Marchetti said that his book would be "a balanced attempt to try to explain how the agency works." He said he had agreed to submit it to the agency for scrutiny before it was published.

The Government's complaint also said that Richard Helms, Director of Central Intelligence, had read the proposed Esquire article and had specified for the court instances in which, in the Government's view, is disclosed classified intelligence sources and methods.

Mr. Obst, the literary representative, said he had withdrawn the article from Esquire because he did not want the information to be published before Mr. Marchetti's proposed book was written. Mr. Obst said that he did not know how the Government obtained a copy of the Esquire article but that he had sent it to several major book publishers in an attempt to sell Mr. Marchetti's proposed book to them.

Aide to Admiral

Mr. Marchetti's highest position in the agency was as executive assistant to Adm. Rufus Taylor, who was Deputy Director of Central Intelligence from 1966 until 1969.

At the C. I. A., Mr. Marchetti, now 42 years old, was an expert in Soviet military affairs. He said today that he never dealt on a regular basis with intelligence information about Indochina.

Mr. Marchetti's novel, "The Rope Dancer," published by Grosset & Dunlap, is a hypothetical adventure story about the agency. In the novel, the agency distorts facts to fit the desires of the President of the United States and plots to overthrow the Government of Colombia.

Ernest Tidyman, who won an Oscar last week for his screenplay of "The French Connection," has purchased an option to make the novel into a movie.

The only other work that Mr. Marchetti has had published was an article this month in The Nation magazine.

The article, entitled "C. I. A. The President's Loyal Tool," is sharply critical of the agency and its activities. "The C. I. A. is basically concerned with interfering in the affairs of foreign countries, and . . . the agency carries out this mission with the approval and at the request of the country's political leaders," the article states.

Esquire Editor Comments

An editor of Esquire magazine, Donald Erickson, said here yesterday that Esquire had considered Mr. Marchetti's article but decided several weeks ago, with the amicable concurrence of the author, not to publish it. The Associated Press reported. Mr. Erickson said the rejection was made for literary reasons.

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